

BOARD OF MAYOR AND ALDERMEN

January 2, 2001

7:30 PM

Mayor Baines called the meeting to order.

Mayor Baines called for the Pledge of Allegiance, this function being led by Alderman Clancy.

A moment of silent prayer was observed.

The Clerk called the roll.

Present: Aldermen Wihby, Gatsas, Levasseur, Sysyn, Clancy, Pinard, O'Neil, Lopez, Shea, Vaillancourt, Pariseau, Cashin, and Hirschmann

Absent: Alderman Thibault

Mayor Baines stated what I would like to do is begin this meeting by reading a statement to the community about the recent tragedy. I want to thank the entire City of Manchester for the extraordinary outpouring of support directed to the Anderson and Flannery families and to the men and women of the Manchester Fire Department. Events such as last Saturday's Elm Street fire remind all of us how much we depend on each other for support in times of need. Manchester is lucky to be composed of citizens who never fail to meet the challenge presented by tragic events and we are certainly very fortunate to be served by extraordinary individuals who work for the Manchester Fire Department. We can never do enough to show the department our appreciation. I want to extend special thanks to the thousands of individuals who have made the funeral a fitting tribute to a brave man and the fraternity of firefighters he was part of for 16 years. So many firefighters traveled great distances to stand for hours in the cold to honor their fallen comrade. In particular, I would like to single out the Manchester Police Department for coordinating the traffic and parking demands presented by such a large demonstration of respect and the number of people who volunteered, in particularly from that department as they came off their shifts and volunteered their time to help out. I also want to single out the Boston Fire and Police Departments, the Providence Fire Department and the Worcester Fire Department for providing expert teams and infrastructure that guaranteed that last week's ceremonies went off without a hitch. Finally, I want to thank the media for a truly extraordinary job. Throughout this process, *the Union Leader's* coverage has been informative and sensitive to the need to grieve away from the spotlight. Channel 9

and MCTV and other media outlets, I am told from those who watched the services on TV, that they pulled off an incredible logistical feat that allowed the entire State to witness Manchester's appreciation for its firefighters. I also want to on behalf of the entire City of Manchester to gain pay tribute to this fallen hero and to pay special respect to the entire Flannery family for the grief that they are enduring at this time. I would like to encourage our citizens to contribute to the Flannery Family Fund, c/o Citizens Bank and also checks can be dropped off at any Citizen's Bank location. Also, those who wish to contribute to the statue fund at the Manchester Fire Department can send checks to that organization as well and I am sure there will be other efforts in the community that will require our support. I would now like to ask Alderman Hirschmann to make a few comments.

Alderman Hirschmann stated nothing I could say about the tragedy would be quite eloquent enough to give proper respect to what has happened. The focus on the deceased and our grieving and our family and the Flannery's family...we are very, very appreciative. The one thing I do want everyone to realize is that not all of the heroes were deceased that day. The Manchester Firefighters, the Engine 11 House, Truck 1 and 2, the men who went into that fire...there were other men who weren't mentioned who were true heroes and I hope we get a chance, your Honor, to recognize the living as well as the deceased and I thank everybody sincerely.

Mayor Baines replied I appreciate your comments and I also want to single out for special recognition Fire Chief Joe Kane. If you wanted to see an extraordinary leader function with his courage and his determination throughout this ordeal it was Chief Kane. I had a great deal of respect for him prior to this, but the respect that I have for him and the way he handled this entire tragedy should make all of us proud that he is in a leadership role in our City. I appreciate the opportunity to say that and I don't know if any other members of the Board would like to make any comments at this time.

Mayor Baines stated before we begin the meeting this evening, as the presiding officer of the Board and in accordance with the rules of the Board, I feel compelled to outline the rules of decorum that we shall be following at this meeting and at subsequent meetings. Number one, the Mayor shall preserve decorum and order. Those wishing to speak shall indicate his or her intentions to the Mayor. No member shall speak unless called upon and no member shall be interrupted by another. It is my intention to follow these rules of decorum to insure that the honor and integrity of the Board of Mayor and Aldermen are maintained at all times. Members who refuse to cooperate with these rules will have to leave. These rules are intended to encourage and promote respectful dialogue and are consistent with the long held traditions of this Board. To quote a constituent, we do not have to be "bridge partners" and we can agree to disagree on certain topics. We will have the kind of Board of Mayor and Aldermen that we want to have. Each of us can do better

for the people who entrusted us with the responsibility to serve their interests, not our own. This message is conveyed in the spirit of cooperation and respect for the integrity of this Board of Mayor and Aldermen and I respectfully ask for your cooperation and support of these measures.

CONSENT AGENDA

Mayor Baines advised if you desire to remove any of the following items from the Consent Agenda, please so indicate. If none of the items are to be removed, one motion only will be taken at the conclusion of the presentation.

Informational – to be Received and Filed

- A. Minutes of the Airport Authority meeting held on November 30, 2000.
- B. Minutes of the MDC Board of Directors meeting held on December 8, 2000.
- C. Minutes of the Piscataquog River Local Advisory Committee Meeting held on December 7, 2000.

REFERRALS TO COMMITTEES

COMMITTEE ON BILLS ON SECOND READING

- D. Communication from Wenger & Cronin, P.C. relative to concerns with the proposed Zoning Ordinance.

COMMITTEE ON COMMUNITY IMPROVEMENT

- E. Communication from Timothy J. Clougherty regarding additional improvements at Gill Stadium, suggesting \$30,000 be appropriated with the expedited projects in the upcoming FY2002 CIP budget process.

COMMITTEE ON FINANCE

- F. Resolutions:

“Amending the 2001 Community Improvement Program, authorizing and appropriating funds in the amount of Ten Thousand Dollars (\$10,000) for the FY2001 CIP 511401 Recreational Improvement Fund Project.”

“Amending the 2001 Community Improvement Program, authorizing and appropriating funds in the amount of Six Thousand Dollars (\$6,000) for the FY2001 CIP 650301 Community Concert Project.”

“Amending the 2001 Community Improvement Program, transferring, authorizing and appropriating funds in the amount of Twenty Thousand Dollars (\$20,000) for the FY2001 CIP 820601 Strategic & Neighborhood Planning Project.”

“Amending the 2001 Community Improvement Program, authorizing and appropriating funds in the amount of Nine Hundred Thousand Dollars (\$900,000) for Fy2001 CIP 840001 MCTV-PEG Access Grant Project.”

COMMITTEE ON TRAFFIC/PUBLIC SAFETY

- G.** Communication from Charles Gordon requesting closure of certain streets for the purpose of holding the 4th annual "Cruising Downtown" event.

REPORTS OF COMMITTEES

COMMITTEE ON ACCOUNTS, ENROLLMENT & REVENUE ADMINISTRATION

- H.** Advising that it has accepted financial reports through the period ending November 30, 2000 and is submitting same for informational purposes.

COMMITTEE ON ADMINISTRATION/INFORMATION SYSTEMS

- J.** Recommending adoption of a new policy mandating that before any Construction project passes through the Finance Committee, the Board is made aware (in writing) of any fiscal impacts to future budgets using the attached forms.

COMMITTEE ON COMMUNITY IMPROVEMENT

- K.** Recommending the Board accept and remand funds for the Recreational Improvement Fund Project, Community Concert Project, Strategic & Neighborhood Planning Project and the MCTV-PEG Access Grant Project; and for such purpose amending resolutions and budget authorizations have been submitted.

**HAVING READ THE CONSENT AGENDA, ON MOTION OF ALDERMAN
PARISEAU, DULY SECONDED BY ALDERMAN SHEA, IT WAS VOTED THAT
THE CONSENT AGENDA BE APPROVED.**

Report of Committee on Accounts, Enrollment and Revenue Administration

- I.** Advising that it has accepted open invoice reports for School invoices and is submitting same for informational purposes.

Alderman Wihby stated on I it is a report from the Accounts Committee. I have never seen one of these before, your Honor. Could someone just explain. Is that accounting money that is due us. Is that what that number is.

Mr. Clougherty replied yes, Alderman. That is a statement of open accounts receivables that should be coming to the City.

Mayor Baines asked what is the status of those.

Mr. Clougherty answered we are working with the School Department to try and get this resolved. As you know, Mayor, we are working on the audit and that is some of these and hopefully we will get that resolved shortly.

Mayor Baines stated our goal is to get it resolved by the end of the week if I recall I conversation earlier today.

Mr. Clougherty replied that is right.

Alderman Wihby asked is this the year that we had set a number for the chargebacks and said that is the number no matter what or was that the year before.

Mayor Baines answered as I recall that famous agreement, that was one of the items that was in the agreement. Am I right, Mr. Clougherty.

Mr. Clougherty replied right. That is cumulative of the previous year and this year.

Alderman Wihby asked so isn't there money in here...most of these are chargebacks. Shouldn't these chargebacks...wasn't that the agreement that they should be paid. All of these chargeback numbers.

Mayor Baines answered that was the agreement.

Alderman Wihby stated so can you tell me, your Honor, this Board had to take up an issue a couple of months ago as far as charging interest and I led the charge that we shouldn't charge interest and my comment was that we give them a 30 day notice and that we start charging them interest for stuff that they don't pay. Are we charging them interest on this, your Honor.

Mayor Baines replied no. Just to reiterate, I know that we have had some conversations and it is appropriate because of our audit situation and we talked to Scott Bassett about waiting for the School Department situation to be cleaned up. It is our goal to have this resolved by the end of this week. That is all I can say to you.

Alderman Wihby asked so at the end of this week we are going to start charging them interest.

Mr. Clougherty answered, as you know that was proposed and the Board did not want to pursue that path so we are not charging interest.

Alderman Wihby replied that is not true Kevin. I made the motion not to pursue that path because we hadn't notified them that we were going to do that, but what my motion was also was that in the future if this continued we were going to charge them interest. I saved them \$250,000 I think the number was at the time to be fair and also the motion was that they were going to be fair to us and pay us the money that was owed us. I think it is very clear if you check the minutes that they are supposed to be charged interest on the money that they still owe.

Mr. Clougherty stated I will go back and check that.

Mayor Baines replied we can check that and if that was the motion then we will do what was required by the Board.

Alderman Pariseau stated I have a question relative to those items identified as school chargebacks. There is no telling what it is for. It just says chargebacks. I understand the police officers and that stuff, but the chargeback items...other items are identified as Highway for street sweeping and Highway maintenance. I don't know why they get involved with school stuff, but the other stuff isn't identified and I would like to have an idea of what these chargebacks represent. For example, customer type code 41 is a chargeback for \$83,164.45. What does that represent. Can we get an idea.

Mayor Baines replied probably not right here on the spot, but I am sure we can get some back-up information if that is what the Board requires.

Mr. Clougherty stated that is right, Mayor. They are broken out, Alderman, by departments. If you look at the first number in the customer type code...

Alderman Pariseau interjected who is 41.

Mr. Clougherty answered I believe that is health so that would be the school nurses. 34 is the police extra detail. 21 is PBS. 50 is Highway.

Alderman Pariseau asked what about 33.

Mr. Clougherty answered I think that is also Police. I can get you the matrix that lays out what those are, Alderman.

Mayor Baines asked can we send that out to the Board.

Mr. Clougherty answered sure. I think we provided it to the Committee on Accounts.

Alderman Gatsas asked, Kevin, are these chargebacks in question or have they just not been paid. Are they disputing these chargebacks.

Mr. Clougherty answered well we are going to find out the answer to that hopefully this week when our auditors meet with theirs.

Alderman Gatsas responded that is not my question. My question is are these in dispute. Are they questioning these. Is that why they have not been paid or are they just delinquent.

Mr. Clougherty replied again, they haven't paid them so they are in dispute.

Mayor Baines stated I am not sure dispute is the right word. We are not clear. All of the conversations that I participated in on the School side and I heard Mr. Cook say very clearly that this Board is obligated to pay the entire \$6.8 million. I think what they are doing is they are reviewing the bills, which they are in essence charged to do. I have not participated in any discussions where they said they were not going to pay the money. We are frustrated at this point in time because of the urgency of us completing our audit, which we cannot complete until their finances are wrapped up. Is that correct, Mr. Clougherty.

Mr. Clougherty replied that is part of it Mayor and I suspect the other part of it, Alderman, may be their situation with respect to cash and not being able to have paid it at this point because they were waiting for the taxes to come in and we would hope that, again, by the end of the week we will see some progress on it.

Mayor Baines stated what I would ask is the School Board is meeting Monday night and I am going to make sure that between now and then that we again stress the urgency and in fact Kevin and I talked about that today in terms of communicating with the School District about the need to get this wrapped up and I will bring it to the attention of the full Board on Monday evening.

Alderman Gatsas stated I noticed Kevin in here, code number 21, the second set of numbers shows numbers outstanding of June 15, 1998. I assume that there is some jeopardy with audited statements if there is outstanding invoices from 1998.

Mr. Clougherty replied that is part of our discussions. You are right, Alderman.

Alderman Gatsas asked how did we end up with an audited statement...are we showing these as receivables on the books.

Mr. Clougherty answered yes.

Alderman Gatsas asked uncollected receivables or just receivables.

Mr. Clougherty answered uncollected.

Alderman Gatsas asked have we written them off.

Mr. Clougherty answered no.

Alderman Gatsas asked do they show them on their books as a payable.

Mr. Clougherty answered we believe they should be. That is one of the questions.

Alderman Gatsas replied my question, Kevin, is are they showing them on their books as a payable.

Mr. Clougherty responded again we don't have their books, Alderman, so I can't tell you that.

Alderman Gatsas replied you haven't seen the audited statement from 1998. I believe you have.

Mr. Clougherty responded in 1998 it would have been part of the general fund so it would have been open. It would not have been a separate statement at that time.

Alderman Gatsas stated let's go on to 1999.

Mr. Clougherty replied same thing.

Alderman Gatsas asked the second half of 1999 was not separate.

Mr. Clougherty answered it wouldn't have been separate, no.

Alderman Shea stated if we are going to charge interest to the School Board for chargebacks, can they in turn for whatever reason charge the City money for chargebacks if they are owed any. I am not sure. In other words, are there chargebacks that the School Department can in turn say we are owed these amounts from certain departments that we provide services to, therefore, what is good for the goose is good for the gander.

Mr. Clougherty replied I suspect if there are services they can, Alderman. One of the things that we have encouraged the School Department to do as part of the upcoming budget in order to clarify this is to sit down with each department and work out a written agreement, almost a contract, specifying what the services to be provided are and what the fees will be. It is very clear at the start of the budget period what the process is going to be and the billing. So, they should be working on that. I know that our department has provided them with some information on what our services would be and we think that is the right way to go. Certainly if they are providing services to the City and the City were not to pay its invoices in a timely fashion then I would expect they could charge it but that hasn't been the case. We do pay our bills on time.

Alderman Lopez stated I just want to make sure...Alderman Wihby mentioned something and I recall and we would have to go back to the minutes again and I hope we do that there was a discussion about interest. At that meeting we said that we would not charge interest. I think we need to go back to those minutes and find out what is true. This is an ongoing problem. Speaking for myself on the Accounts Committee, we always see this every month so it is a problem that Finance and the Mayor and the Aldermen are going to have to solve one way or the other here.

Mr. Clougherty replied I think the contract approach, Alderman, or it is not necessarily a contract but these agreements are the way to do it.

Mayor Baines stated why don't you explain that because that is something we are stressing on the School side that they enter into an agreement on costs associated with every service and it is like a contract.

Mr. Clougherty replied right. A lot of what we have experienced over the last couple of years are disputes as to services provided. For example, with Parks so we really feel they should articulate out what the services are to be provided. For example with Gill Stadium what the associated costs are going to be up front and how the billing will occur so that when those services are provided there should be no gray areas at that point. It should be pretty clear that we follow the process and everybody knows what it is in advance rather than something on an ongoing basis.

Alderman Lopez asked just so I understand, we are going to have an agreement with the School Department on the finance situation.

Mr. Clougherty answered that is the goal, Alderman.

Alderman Wihby stated, your Honor, we have plenty of agreements. If you go through all of the minutes of the meetings, we have plenty of agreements with the School Board. We had an agreement that it didn't matter what the chargeback number was going to be. If it was \$10 million we were going to eat it and if it was \$4 million they were going to pay the \$6.8 million. That was the bottom line, \$6.8 million no matter which way it went and that was the agreement that everybody made and I think Finance would agree to that. My understanding is that if we see something here that says chargeback on this to say that we are going to go back and check the numbers, that is find to go back and check the numbers, your Honor, except they owe us \$6.8 million. I don't know what they add up to. If they are over \$6.8 million then they make out. If they are under \$6.8 million then the agreement stands at \$6.8 million. To say that they don't want to pay this amount of money and they are not going to get charged interest...what happened last time, your Honor was I brought up the subject. They didn't bring it up. I brought it up saying that I understood they were being charged interest and it wasn't right because we hadn't told them about it and they shouldn't pay the \$250,000. I did that so you can't say that I am against the school system. At the same time, I said in the future if this was going to continue that we send them a bill, give them 30 days to pay it and then they start paying the interest on it. It was very clear at the time when we voted on that, your Honor, that if in fact they weren't going to pay the money after they got billed they were going to be charged interest on it. My understanding is that on these chargebacks \$6.8 million was the number and there shouldn't be any confusion. Maybe they don't have the money and that is one subject. They could have come to a meeting and said we don't have the money to pay you right now but if it is all because they don't think they owe the money there is a problem again. It doesn't matter how many agreements we had. We had an agreement. The School Board...I remember Mr. Cook sitting here and saying it is \$6.8 million and we have all the minutes saying it is \$6.8 million no matter which way it went and here they go again. My concern, your Honor is that we also asked and they said they were going to give us monthly statements to let us know where they were and we haven't seen anything since the last budget cycle. My concern, your Honor, is that we are halfway through the year and I think they have overspent again and I think that is something going on that this Board knows about before we start taking it out on regular departments. Can you see to it that at the next meeting they do send us the monthly statements.

Mayor Baines replied there are two things that are happening as a result of the other issue with the schools. I insisted and got the support of the Board to begin an immediate review of their expenses related to this fiscal year that Mr. Sullivan has been participating in. That should be due, I think, at the next meeting of the Board. He said at the last meeting that it would take approximately three weeks and that should be available and that should answer that question. As far as the \$6.8 million, I am in total agreement with that and I have not, unless Kevin you have participated in some discussions where they are saying that they are not going to pay the \$6.8 million, I have not heard that.

Mr. Clougherty responded I haven't, Mayor. I think the reason that we haven't seen something to date is really their cash position but now with taxes in hopefully that is going to get resolved.

Mayor Baines stated so hopefully we can get this resolved and we will communicate to the members of the Board exactly what the outcome of this is.

Alderman Gatsas stated there is one number particularly, Kevin, Line 21, customer code 21 looks like \$1.2 million. Can you tell me what that is.

Mr. Clougherty answered that is PBS.

Mayor Baines replied that is ServiceMaster.

Alderman Gatsas asked has that bill been paid.

Mr. Clougherty answered no. That would be part of the dollars that we are still looking to recover.

Alderman Gatsas asked has ServiceMaster been paid.

Mr. Clougherty answered yes.

Alderman Hirschmann stated I am the Chairman of the Committee that sent this up to the full Board and because of the magnitude of the discussion what I would like to do is make a motion that you are going to have a meeting, that we refer this to the Committee on Finance for our January 23 meeting so that the full Finance Committee can discuss it.

Mayor Baines replied also in the meantime if I do get some resolution on this I will communicate directly to the Board.

On motion of Alderman Hirschmann, duly seconded by Alderman Shea, it was voted to refer this item to the Committee on Finance for the January 23 meeting.

Alderman Wihby asked does this in any way effect...if they did count this on the numbers that they gave us where they said that they had overspent would this be an additional \$2.5 million or is the \$2.5 million in that number.

Mr. Clougherty answered they told us it is in that number.

Report of Committee on Community Improvement

- L. Recommending the Board approve a transfer of \$1,600 from Contingency as requested by "For Manchester Beautification Committee" for a shortfall in costs associated with flowers and planters located throughout the Downtown/Millyard area this past year.

Alderman Vaillancourt stated this is a request for \$1,600 apparently from the contingency fund for the "For Manchester Beautification Committee." Referencing the documentation, there is a letter from Robert MacKenzie that suggests that perhaps this should come out of the Central Business District Revitalization Fund and there is a letter from Jane Beaulieu who purports that there was an attempt by private industry to raise \$4,100 but they came up \$1,600 short so they expect the City to cover the \$1,600. As part of the new year, I am going to make a resolution that everything like this be scrutinized no matter if it is \$1 or \$1,600 or \$16,000. This just isn't the way we should be doing business. If anything, this should come out of the Central Business District Revitalization Fund as was recommended by Mr. MacKenzie and not out of the contingency fund. I wouldn't recommend paying this at all. It is private industry failing to do something and hoping that the government will bail them out.

Alderman Hirschmann stated these flowers were used in the Intown District.

Mayor Baines asked how about the ones that are used over on...

Aldermen Kelly interjected Cilley Road or South Willow Street.

Mayor Baines stated there are other areas of the City. Am I correct on that.

Alderman Hirschmann stated what I was getting at is Intown, Inc. taxes the downtown area a special tax and could the Conservation Commission and Intown maybe come up with...they collect hundreds of thousands of dollars. Rather than take it out of the general fund.

Mayor Baines replied this would have to be budgeted. Mr. MacKenzie could you just clarify for the Board the location of these planters.

Mr. MacKenzie responded virtually all of them are in the CBSD, although I believe there are a few on the West Side just outside of it.

Alderman Levasseur stated I am glad that Alderman Vaillancourt pulled this off because I would have done so if he did not. I agree with Alderman Vaillancourt on this issue. I do not like to, as this Ward 3 Alderman, have to come in front of this Board of Aldermen and ask for money unless it is absolutely necessary or it is going to improve the downtown area. I think this Board has been very generous in many of the contributions they have made to Elm Street and this ward. This, your Honor, bothers me quite a bit because Intown Manchester does collect a tax from the constituents and from the people within the district. For Jane Beaulieu to have to come forward, and she did a fantastic job by the way. Those flowers that were put out there were not by Intown Manchester. They were by Jane Beaulieu and the organization "For Manchester" and she deserves a lot of credit for all that work. There were many days and weekends, July 4 especially, when she was out there watering those plants herself. I feel kind of bad for Jane Beaulieu and "For Manchester" in this situation, but I would say that it falls on Intown Manchester to pay this bill. I really feel that way. I feel that we as the people downtown pay for these extra things to be done and 98% or 99% of those flowers are in this ward.

Mayor Baines responded the only question I have is if it was not budgeted for Intown...I mean that may be something that you can recommend for next year but we have to take care of it somehow this year.

Alderman Wihby stated if we don't invest in ourselves, who is going to invest in Manchester. We did this...they did get private donations and they fell short and that is why we took it out of contingency because it wasn't in their budget. Now I know we have had problems with Intown and everything else, but this was something different. This was for every citizen of Manchester that came downtown and that is why we moved it out of contingency. I hope that we would support it this year and we told them next year to make sure they put it in their budget.

Alderman Wihby moved to transfer \$1,600 from contingency to the "For Manchester Beautification Committee". Alderman Pariseau duly seconded the motion.

Alderman Cashin stated it is not a budgeted item for Intown.

Alderman Levasseur replied I agree, your Honor. I just want to make it known that this is something that should come under Intown in the future.

Mayor Baines stated the thing that I would also like to comment on is I agree with Alderman Levasseur that this is something that has really enhanced the community. I used to see them often on Queen City Avenue and Second Street and it really is a nice welcome to the City. As you know, Jane has done an absolutely extraordinary job with that.

Mayor Baines called for a vote on the motion. The motion carried with Alderman Vaillancourt being duly recorded in opposition.

Mayor Baines stated I am going to recommend that Item 16, at the request of Alderman Pariseau, be dealt with at this time. This is related to the communication from Atty. Bussiere representing PSNH.

Communication from Atty. Bussiere submitting a rezoning and impact fee commitment agreement between Properties, Inc. and the City of Manchester relative to rezoning of March Avenue, John E. Devine Drive, and Gold Street property; and requesting the Board expedite execution of the agreement.

Alderman Pariseau moved that this item be referred to the Committee on Bills on Second Reading. Alderman Wihby duly seconded the motion. Mayor Baines called for a vote. There being none opposed, the motion carried.

Alderman Levasseur stated I am just questioning, your Honor, as far as the \$700,000 fee that was...are we talking about offered right. Was that negotiated by us at all.

Mayor Baines replied it is a proposal that came from PSNH and at this point in time that will be studied by the Committee and perhaps there might be further negotiations as they deliberate this whole issue.

Alderman Levasseur asked in that respect it would fall on that Committee to try to negotiate more money for an impact fee.

Mayor Baines answered that could be part of...am I correct on that Alderman Pariseau.

Alderman Pariseau stated I think that is the prerogative of the Committee on Bills on Second Reading.

Alderman Levasseur stated it says the \$700,000 would go to impact fees. Now are we talking about the impact fees that got to the schools so that they can do construction or are there different types of impact fees.

Alderman Pariseau stated the \$700,000 would be applied to the existing railroad right-of-way to make that a roadway from Gold Street northerly to South Beech. It is proposed that it be paved and whatever. Total cost of that, I believe, is \$1.4 million and another developer will be contacted to pay the other half.

Mayor Baines stated we are going to leave it there with that explanation because it is going to Committee.

Nominations to be presented by Mayor Baines, if available.

Mayor Baines stated I do have a resignation from the Manchester Housing Authority. Willie Aubin is here. Willie, as you know, has served this community with distinction in a variety of capacities and he called me last week and said that he felt it was time for him to take a breather. He had done his job on behalf of the City and I thanked him and I thank him again on behalf of the Board and the citizens of Manchester for your years of distinguished service to our community. I sincerely appreciate it and I would like to offer a round of applause from the Board.

Mayor Baines advised he was appointing Fred Kfoury to the unexpired term of Willie Aubin. His term now will expire on December 31, 2004. No confirmation was required by the Board of Aldermen for that appointment, and so no action was taken.

Confirmation of nomination of Robert Bennett to fill the unexpired term of Judith Gibson to the Board of Adjustment, term expiring March 1, 2002.

On motion of Alderman Levasseur, duly seconded by Alderman Pinard, it was voted to confirm the nomination of Robert Bennett to the Board of Adjustment, term expiring March 1, 2002.

On motion of Alderman Shea, duly seconded by Alderman Pinard, it was voted to recess the meeting to allow the Committee on Finance to meet.

Mayor Baines calls the meeting back to order.

A report of the Committee on Finance was presented recommending that Resolutions:

“Amending the 2001 Community Improvement Program, authorizing and appropriating funds in the amount of Ten Thousand Dollars (\$10,000) for the FY2001 CIP 511401 Recreational Improvement Fund Project.”

“Amending the 2001 Community Improvement Program, authorizing and appropriating funds in the amount of Six Thousand Dollars (\$6,000) for the FY2001 CIP 650301 Community Concert Project.”

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ought to pass and be Enrolled.

On motion of Alderman Sysyn, duly seconded by Alderman Pariseau, it was voted to accept, receive and adopt the report.

A report of Committee on Accounts, Enrollment and Revenue Administration recommending the Board review the long-standing policy of not billing municipal entities for water service, including enterprise funds, in return for normal administrative services provided.

Alderman Pariseau moved to refer this item to the Committee on Administration.

Alderman Cashin duly seconded the motion.

Alderman Hirschmann asked do we want to discuss it with the Water Commissioner here. I wanted this referred out of my Committee. This was a financial matter between the City and the Authority. It was brought to our attention in the Committee that there are a lot of entities, i.e. City parks and whatnot, that do not have a water meter and if we pursue billing them a chargeback that they could, in fact, charge us back quite a substantial amount more and that this line isn't productive to the City of Manchester itself.

Mayor Baines replied why don't we refer it to Committee.

Alderman Pariseau stated well I thought the Committee on Accounts wanted the City to start billing Water Works.

Alderman Hirschmann replied no. Quite the contrary.

Alderman Pariseau withdrew his motion to refer the item to the Committee on Administration. Alderman Cashin withdrew his second.

On motion of Alderman Pariseau, duly seconded by Alderman Cashin, it was voted to receive and file this item.

On motion of Alderman O'Neil, duly seconded by Alderman Pariseau, it was voted to read by titles only and it was so done.

Ordinance Amendments:

“Amending Sections 33.024, 33.025 and 33.026 (Planning Department Reorganization) of the Code of Ordinances of the City of Manchester.”

“Amending Sections 33.024, 33.025, and 33.026 (Deputy Clerk of Licensing and Facilities, Deputy Clerk of Administrative Services, Deputy Clerk of Financial Administration, and Legislative Assistant) of the Code of Ordinances of the City of Manchester.”

Alderman Shea moved that the Ordinances be Enrolled. Alderman Clancy duly seconded the motion.

Alderman Vaillancourt stated there seem to be two separate items here. I am certainly in favor of the second item, however, the Planning Department reorganization, this came forward before and I believe I voted against it at the time so I certainly want to make sure that I can vote against it again. This involves spending more money from the City and creating more departments. Is that correct. How much more money does this involve us spending for this position. Not only this year but into the future.

Mr. MacKenzie stated this doesn't create any more departments. This will come in within our current fiscal year budget. The estimated cost was \$15,000.

Mayor Baines called for a vote on the motion. The motion carried with Alderman Vaillancourt being duly recorded in opposition to the Planning Department reorganization.

On motion of Alderman Hirschmann, duly seconded by Alderman Shea, it was voted to recess the meeting to allow the Committee on Accounts, Enrollment and Revenue Administration to meet.

Mayor Baines called the meeting back to order.

A report of the Committee on Accounts, Enrollment and Revenue Administration was presented advising that Ordinances:

“Amending Sections 33.024, 33.025 and 33.026 (Planning Department Reorganization) of the Code of Ordinances of the City of Manchester.”

“Amending Sections 33.024, 33.025, and 33.026 (Deputy Clerk of Licensing and Facilities, Deputy Clerk of Administrative Services, Deputy Clerk of Financial Administration, and Legislative Assistant) of the Code of Ordinances of the City of Manchester.”

were properly enrolled.

Alderman Hirschmann asked on Item J, does that get additional readings. I thought we voted it more than once. Is that because it is a policy and not an Ordinance.

Deputy Clerk Johnson answered that is right. It is not done as an ordinance; it is done as a policy.

Alderman Pariseau moved to accept, receive and adopt the report. Alderman Hirschmann duly seconded the meeting.

Mayor Baines called for a vote on the motion. The motion carried with Alderman Vaillancourt being duly recorded in opposition to the Planning Department Reorganization.

Alderman Vaillancourt stated Mr. MacKenzie tells us that the \$15,000 is covered. Does that mean we overbudgeted \$15,000 last year or that you would have \$15,000 extra if this had not been done.

Mr. MacKenzie replied we had requested in the budget process that that money be set aside for reorganization and the Board did approve it.

On motion of Alderman O'Neil, duly seconded by Alderman Pinard, it was voted to read by titles only and it was so done.

Bond Resolution:

“Authorizing Bonds, Notes or Lease Purchases in the amount of Seventeen Million Seven Hundred Thousand Dollars (\$17,700,000) for the 2001 CIP 740001, CSO Abatement Projects.”

On motion of Alderman Pariseau, duly seconded by Alderman Sysyn, it was voted that the Bond Resolution pass and be Enrolled.

Alderman Shea asked, Kevin, how is our bond rating. Is it in pretty good shape.

Mr. Clougherty answered it is the same as it has been, Alderman. We have not had an opportunity to go to the market, but we have the same reserves that we had talked about so I think we will be in the same area if we were to go back.

Alderman Shea asked so this recent problem with the stockmarket and bonds and so forth is not having an adverse effect.

Mr. Clougherty answered no. The big cloud that is hanging over all of the credit ratings in the State, Alderman, is really the school funding issue. If there is anything that would give cause for concern, that would be it.

Alderman Shea asked would that indirectly or directly affect our rating.

Mr. Clougherty answered it could if it isn't resolved in time. Although, historically the credit rating agencies have perceived that as a State problem and not a local problem so I think we will be okay on that.

On motion of Alderman O'Neil, duly seconded by Alderman Lopez, it was voted that the Ordinances be read by title only, and it was so done.

Ordinances:

"Amending Sections 33.024, 33.025 and 33.026 (Planning Department Reorganization) of the Code of Ordinances of the City of Manchester."

"Amending Sections 33.024, 33.025, and 33.026 (Deputy Clerk of Licensing and Facilities, Deputy Clerk of Administrative Services, Deputy Clerk of Financial Administration, and Legislative Assistant) of the Code of Ordinances of the City of Manchester."

Alderman Shea moved that the Ordinances be ordained. Alderman Sysyn duly seconded the motion.

Mayor Baines called for a vote on the motion. The motion carried with Alderman Vaillancourt being duly recorded in opposition of the Planning Department Reorganization.

On motion of Alderman O'Neil, duly seconded by Alderman Pinard, it was voted to read the Resolutions by title only, and it was so done.

Resolutions:

"Amending the 2001 Community Improvement Program, authorizing and appropriating funds in the amount of Ten Thousand Dollars (\$10,000) for the FY2001 CIP 511401 Recreational Improvement Fund Project."

"Amending the 2001 Community Improvement Program, authorizing and appropriating funds in the amount of Six Thousand Dollars (\$6,000) for the FY2001 CIP 650301 Community Concert Project."

"Amending the 2001 Community Improvement Program, transferring, authorizing and appropriating funds in the amount of Twenty Thousand Dollars (\$20,000) for the FY2001 CIP 820601 Strategic & Neighborhood Planning Project."

“Amending the 2001 Community Improvement Program, authorizing and appropriating funds in the amount of Nine Hundred Thousand Dollars (\$900,000) for FY2001 CIP 840001 MCTV-PEG Access Grant Project.”

On motion of Alderman Clancy, duly seconded by Alderman Pariseau, it was voted that the Resolutions be Enrolled.

NEW BUSINESS

Deputy Clerk Johnson stated the Clerk has a few items of new business, two of which have been distributed to the Board. The first was to request a change in the Board meeting date on January 16 to January 23 as the Mayor is going to be attending a function at the White House.

On motion of Alderman Cashin, duly seconded by Alderman Wihby, it was voted to change the date of the Board meeting from January 16 to January 23, 2001.

Deputy Clerk Johnson stated the next communication was distributed from the Environmental Protection Division.

Ordinance revision submitted by the Environmental Protection Division
Relative to credits for elderly and residential customers.

Alderman Pariseau moved to refer this item to the Committee on Bills on Second Reading. Alderman Lopez duly seconded the motion.

Alderman Levasseur stated before it goes to Committee, I would like to offer some insight on this. Reading the ordinance as it is, I am wondering if a senior citizen owns a three story multi-family, the way sewer bills are sent out, they are sent out only to the owner of the building. Now if a senior citizen who is eligible for this cut of 50% in sewage rates and water rates lives on the first floor, that is great. I think that is what the intent of this was but the second and third floor could be loaded with a lot of people who obviously do their laundry and there is a lot of water coming out of the building. I don't know, I didn't see anything in there being an exclusion for anything over a residential or a single-family dwelling. I don't know if that is the intent of this.

Alderman Pariseau stated the elderly exemption is based on income. If they own a three-story apartment building they may not be entitled to the exemption.

Alderman Gatsas asked are you talking just about the sewer portion or are you also talking about the water portion that has to go to Bills on Second Reading. There is another letter that is behind it.

Deputy Clerk Johnson answered we are referring the entire communication to the Committee.

Alderman Gatsas stated the letter from Water Works says effective January 1, 2001.

Deputy Clerk Johnson replied actually it is just the ordinance that is going to committee. That letter is submitted for informational purposes.

Alderman Gatsas asked is there a way for us to suspend the rules for having it layover.

Deputy Clerk Johnson asked do you want to suspend the rules and adopt this ordinance this evening. Is that what you are trying to do. It could be done if the Board wants.

Alderman Gatsas moved to suspend the rules to place the Ordinance on its final reading without referral to the Committee on Bills on Second Reading or to the Committee on Accounts, Enrollment & Revenue Administration. Alderman Cashin duly seconded the motion. Mayor Baines called for a vote on the motion. There being none opposed, the motion carried.

Alderman Wihby moved to place the Ordinance on its final reading by title only. Alderman Hirschmann duly seconded the motion.

Alderman Levasseur stated it says total allowed assets of \$35,000 excluding the value of your home. I would like some clarification on this because I...I am questioning as you say the value of the person's income but it excludes the value of their home. Now if I make less than \$35,000, it says total allowed assets of \$35,000 excluding the value of your home, which means that if I make less than \$35,000 I am eligible. So, if somebody makes less than \$18,000, how are we going to verify all that.

Alderman Pariseau stated the Assessor's Office will verify that.

Alderman Levasseur stated so all we are doing here is just giving an exemption for these people who...there are only a small minority of people who this will affect. I thought this was going to be for senior citizens across the Board 65 and older. So, how many people is this helping out, your Honor.

Mayor Baines replied I don't know.

Alderman Gatsas stated it is a start, Alderman Levasseur.

Alderman Hirschmann stated this is the third tier of a comprehensive package so that people who qualify for an elderly exemption through the Assessor's Office can now qualify for water credit and a sewer credit. This is like a complete package now for these people.

Alderman Levasseur stated I thought we were going to go further than that.

Mayor Baines called for a vote on the motion to read by title only. There being none opposed, the motion carried.

“Amending Chapter 52 Sewers of the Code of Ordinances of the City of Manchester by adding a new section 52.160(D)(4) Sewer Rental Charges pertaining to credits for qualifying elderly.”

This Ordinance having had its final reading by title only, Alderman Hirschmann moved on passing same to be ordained. Alderman Pariseau duly seconded the motion. There being none opposed, the motion carried.

Deputy Clerk Johnson noted that as the Ordinance has been ordained it will take effect immediately at the first billing cycle following according to what was submitted.

Alderman Lopez stated I don't know if we have or we anticipate making a donation to the Fireman's Memorial.

Mayor Baines stated we could refer that to a Committee.

Alderman Hirschmann stated we should refer it to Finance so that we can all make a decision.

On motion of Alderman Lopez, duly seconded by Alderman Shea, it was voted to refer this item to the Finance Committee.

Alderman Levasseur stated I am going to pose this question to the Mayor before I go forward with this statement. Would it be within the parameters of this Alderman to address the issue that occurred two weeks ago at the meeting concerning the allegations that were made about this Alderman. I think that I should clear the air on this issue to the public, your Honor.

Mayor Baines replied I would recommend that the two of us sit down and discuss it and then we can bring it up to the Board at the next meeting.

Alderman Levasseur stated I agree with you on that, your Honor, but I would like to say that in the future if you are going to do that you should follow City Charter Rule 18 Section B that states specifically that if an allegation is brought about an Alderman from someone outside the City or within the City that the Mayor who sat on that Charter Commission and wrote that Charter follow the rules and bring that allegation forward to the person it was made about, sit down with that person, ask the questions why anything happened so that before you go to the City Solicitor and make expressions about having an investigation we could clear the air first. I don't know if you understand, your Honor, but I am about to be accepted to the Massachusetts Bar and for those statements to be said, they are very, very sensitive statements to be made when a man is about to be accepted to the Bar and I believe that if you would have spoken with me about that we could have cleared the air on that and we wouldn't have had to have such a tenuous outcome.

Mayor Baines replied and perhaps Alderman if some of the other things hadn't been said leading up to that we wouldn't have had that so what I would like to do at this point in time is sit down and talk about it and let you know exactly where I am at in terms of that whole issue.

Deputy Clerk Johnson stated I have a question for the Board and that is relating to the item that Alderman Hirschmann brought up earlier regarding the policy that was brought forth by the Committee on Administration. There are a few questions we would have as to how those forms should be distributed and my thought process was to perhaps bring it before the Committee on CIP because it is capital projects that are being referred to but I wanted to find out if that was amenable to the Board. There needs to be a process set forth so that department heads know what to do with this.

Alderman Hirschmann replied I do agree with that. It was a construction impact policy so it was understood that any project would have to have one of these forms filled out.

Alderman Lopez stated I thought in reading it in the agenda that it was a policy that was established and I don't understand why if we adopted the policy we are going to go to other Committees and I am on the CIP. These should just be distributed to whoever is applying for a project and they should fill it out and send it to whoever.

Deputy Clerk Johnson replied this is my point, your Honor. Some capital projects are done in the budget process and some are done during the year. This should be a process where the department heads know they need to fill it out and who they are supposed to submit it to so that it gets to the proper Committees in the process. My feeling is that if it is a capital project, and a construction project would be a capital project which CIP would be dealing with, perhaps it would be easier for Mr. MacKenzie to make a recommendation to the Committee as to how that should be handled so that the Finance Committee does receive them promptly when the items are being discussed.

Mr. MacKenzie stated we did review that specific issue today. I had seen the forms that had come out of Committee. We reviewed it when we were talking about this year's CIP process with Wayne in the Mayor's Office and it is clear that we would like to try and get the information about when the Mayor makes his CIP presentation in March so the Board is aware of the operating expense implications of all of these projects. So, sometime in March there is some time required for each department, particularly the larger departments, to prepare the information but we will be shooting for sometime in March when the Board is actually deliberating on the proposed CIP.

Alderman Hirschmann stated this request came out of our budget deliberations last April and it has taken us a full year to get this. I think that any project in the FY2002 budget be it a fire station or elderly center or whatever it is going to be, these forms should be filled out and we should know all of this information way ahead of time before we vote on the project.

Mayor Baines asked do we need a motion.

Deputy Clerk Johnson answered it wasn't a motion requirement. We just wanted some clarification as to how to notify departments.

Alderman O'Neil stated just to end on hopefully a very positive note, just some well done. I would like to recognize our City departments and their employees. First, Frank Thomas and the staff at the Highway Department, as well as the Police Department because I know they worked kind of a joint venture on the snow removal. They did a great job. Our streets are very passable and well done by both departments. Secondly, I congratulate Jay Taylor and Bill Jabjiniak on a lot of their hard work finally coming to fruition with Margaritas opening up tomorrow night. Finally, you and Alderman Hirschmann earlier very eloquently spoke about the outstanding job by the Manchester Fire Department during the recent tragedy and you did, your Honor, speak very briefly on the Police Department but a number of their staff came back from vacations and over 40 police officers donated their time and I think that is a real tribute to the employees – the

Fire Department and Police Department and the outstanding job they did to make this as great a tribute as it was for Firefighter Anderson and I think the Chief needs to be recognized for that. He is one of the ones who came back from vacation to help out in any way he could and I think he deserves some credit and his entire department deserves credit for that.

Mayor Baines replied I sincerely appreciate those comments, especially regarding the Police Department. That is a very impressive group of individuals who can be counted on at all times in our community. Not just with things like this, but throughout the community when we have had issues and the responsiveness has been absolutely extraordinary and I echo those comments. They need to be praised, I think, a lot more.

Alderman O'Neil stated there are some great people in City government and they don't always get recognized enough. To all of those I mentioned, well done.

Alderman Cashin stated let's not forget the Hillsborough County Sheriff's Office. They did a great job too.

Alderman O'Neil stated I was trying to stay focused within City government.

Mayor Baines stated I appreciate that too. I was talking to Chief Kane today and there is such a list of thank yous that have to go out, especially...I was so impressed being down there as Alderman Hirschmann was to see the people from Boston. They actually go out and help fire departments all across the region to deal with situations like that. Their leadership and their sensitivity was absolutely extraordinary in dealing with that because you know the whole Fire Department was grieving and there were so many, as Alderman Cashin has indicated, who contributed to that. We are in the process of doing some thank yous as well. The first letter I sent was to Mayor Menino in Boston for allowing those fire officers to come up here.

Alderman Vaillancourt stated to change the subject, this item appeared on our desks kind of by magic. Since I don't believe in magic, I did talk to the City Clerk's Office and they are unaware of it and I talked to your aides and they are unaware of it except that you put it on our desks. It is something about the criminal code. I just wonder why you have decided that we need to be informed about items from the criminal code, including a Class B Felony for threatening public servants or trying to bribe public servants. Is there some reason that we need to know about this.

Mayor Baines replied this came from the City Solicitor's Office because we are dealing with some concerns about bodies such as the Zoning Board that have a quasi-judicial role

and the purpose is just to inform people, especially Zoning Boards, that all of us need to be very careful. For instance, I never talk to Zoning Board members about anything that is pending for them because it can jeopardize cases that go before them. That is the only effort that was out there. I asked the City Solicitor to provide that. It was actually supposed to be distributed at the last meeting and was distributed tonight instead.

Alderman Vaillancourt stated well maybe a cover letter explaining it would have been nice.

Mayor Baines replied I appreciate you bringing that up.

Alderman Hirschmann stated it was ambiguous.

Mayor Baines stated I have one further comment. I am considering making some adjustments in Committee assignments and if people have changes that they want to make, please let me know. I may be making some announcements at the next meeting about some possible changes. If you do have any preferences for changes, I would appreciate that.

TABLED ITEM

- 20.** Majority report of the Committee on Lands and Buildings recommending that Singer Park B, as enclosed, be chosen as the site for the Senior Center.
(Note: Minority report also enclosed; no previous action having been taken)

This item remained on the table.

There being no further business, on motion of Alderman Pariseau, duly seconded by Alderman O'Neil, it was voted to adjourn.

A True Record. Attest.

City Clerk